

1 Michael D. Reid, Esq., State Bar No. 222014
2 Stephen J. Guichard, Esq., State Bar No. 309463
2 LA FOLLETTE, JOHNSON, DeHAAS, FESLER & AMES
3 2677 North Main Street, Suite 901
4 Santa Ana, California 92705-6632
Telephone (714) 558-7008 • Facsimile (714) 972-0379
Email: Mreid@ljdfa.com
Email: sguichard@ljdfa.com

5 Attorneys for Defendant
6 LOMA LINDA UNIVERSITY MEDICAL CENTER

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

11 DEBORAH MOLLER, an individual
12 and successor-in-interest of BRET
BREUNIG, deceased,

Plaintiffs,

VS.

COUNTY OF SAN BERNARDINO, a
16 public entity; UNIDENTIFIED
17 DEPUTIES, individuals; CITY OF
18 REDLANDS, a public entity;
19 UNIDENTIFIED OFFICERS,
individuals; LOMA LINDA
20 UNIVERSITY MEDICAL CENTER, a
non-profit corporation; UNIDENTIFIED
21 HEALTH CARE PROFESSIONALS,
individuals; and KENNETH BREUNIG,
a nominal Defendant,

Defendant.

Civil No.: 5:22-cv-01306-DSF-MAR
Consolidated with: 5:22-CV-02135-DSF-MAR

Assigned to JUDGE DALE S. FISCHER,
Courtroom 7D, for all purposes including trial

**STIPULATION FOR ENTRY OF
JUDGMENT/DISMISSAL FOR
DEFENDANT LOMA LINDA
UNIVERSITY MEDICAL CENTER**

*Trial Date Deborah Moller v. County of San
Bernardino and Deputy Breana Fite: 08/13/14
Mistrial, Pending New Date*

Trial Date Deborah Moller v. Loma Linda University Medical Center: vacated

Lead case:

*Complaint filed: 07/27/22
FAC filed: 09/12/22
SAC filed: 12/08/22
TAC filed: 01/30/23*

1 KENNETH BREUNIG, individually and
2 as successor-in-interest of BRET
3 BREUNIG, deceased,

4 Plaintiff,

5 vs.

6 COUNTY OF SAN BERNARDINO, a
7 public entity; BREANA FITE,
8 individually; LOMA LINDA
9 UNIVERSITY MEDICAL CENTER, a
10 California non-profit corporation; DOE
HEALTH CARE PROFESSIONALS,
individuals; and DOES 1-10,
individually,

11 Defendant.

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*Consolidated Case:
Complaint filed: 12/01/22*

RECITALS

1. On July 27, 2022, Plaintiff Deborah Moller filed her complaint initiating this
action. (Dkt. 1) On September 12, 2022, Plaintiff Deborah Moller filed her first amended
complaint. (Dkt. 19) On December 8, 2022, Plaintiff Deborah Moller filed her second
amended complaint. (Dkt. 51) On January 30, 2022, Plaintiff Deborah Moller filed her third
amended complaint alleging *inter alia*, violations of EMTALA (42 U.S.C. section 1395dd)
as against Defendant Loma Linda University Medical Center. (Dkt. 64)

2. On September 18, 2023, Defendant Loma Linda University Medical Center
filed its motion for summary judgment, or in the alternative, partial summary judgment. (Dkt.
91). The matter having been fully briefed, the Court granted partial summary judgment in
favor of Loma Linda University Medical Center as to Moller's causes of action for negligence
and violation of the Bane Act, and as to Kenneth Breunig's claims. (Dkt. 175)

3. Trial in this matter was set for October 29, 2024. On October 22, 2024, the Court
vacated the trial date due to plaintiff's failure to prosecute and set an Order to Show Cause
hearing for November 4, 2024, at 11:00 a.m., regarding imposition of sanctions, including a
potential award of Loma Linda University Medical Center's attorneys' fees incurred as a

1 result of plaintiff's conduct. (Dkt. 350) The parties filed declarations in response to the
2 Court's Order. (Dkts. 352 & 353) On November 4, 2024, the Order to Show Cause Hearing
3 came on for hearing. The Court and counsel conferred on the record. The hearing was
4 continued until November 18, 2024, at 11:00 a.m. (Dkt. 354)

5 **STIPULATION**

6 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
7 Deborah Moller and Loma Linda University Medical Center ("Parties"), through their
8 respective counsel, as follows:

9 1. The Court may enter final judgment in favor of Loma Linda University Medical
10 Center in totality in this action, including the remaining causes of action for alleged violation
11 of the Emergency Medical Treatment and Labor Act (42 U.S.C. 1395dd) and California
12 Health & Safety Code section 1317;

13 2. The Parties stipulate to forego any and all rights to appeal as to the claims as to
14 Loma Linda University Medical Center, only;

15 3. Loma Linda University Medical Center foregoes any right to bring or pursue a
16 claim for malicious prosecution;

17 4. The Parties, and each of them, are to bear their own costs and attorneys' fees,
18 arising from or related to this action; and

19 5. With the filing of this stipulation resolving all matters, unless otherwise ordered
20 by this Court, the Parties intend not to appear on November 18, 2024, at 11:00 a.m.

22 Dated: November 15, 2024 LAW OFFICES OF KEVIN S. CONLOGUE

23 By: / s / Ashley M. Conlogue

24 KEVIN S. CONLOGUE, ESQ.
25 ASHLEY M. CONLOGUE, ESQ.
26 Attorneys for Plaintiff
DEBORAH MOLLER

27 ///

1 Dated: November 15, 2024

2 LA FOLLETTE, JOHNSON, DeHAAS, FESLER &
3 AMES

4 By: / s / Michael D. Reid

5 MICHAEL D. REID, ESQ.

6 STEPHEN J. GUICHARD, ESQ.

7 Attorneys for Defendant

8 LOMA LINDA UNIVERSITY MEDICAL CENTER

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LA FOLLETTE, JOHNSON, DeHAAS, FESLER & AMES

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2 CERTIFICATE OF SERVICE
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4 STATE OF CALIFORNIA
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6 COUNTY OF ORANGE
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]
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ss.

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is LA FOLLETTE, JOHNSON, DeHAAS, FESLER & AMES, 2677 North Main Street, Suite 901, Santa Ana, California 92705-6632.

I hereby certify that on November 15, 2024, I caused all of the pages of the foregoing documents described as **STIPULATION FOR ENTRY OF JUDGMENT/DISMISSAL FOR DEFENDANT LOMA LINDA UNIVERSITY MEDICAL CENTER** to be electronically filed with the United States District Court, Central District of California by using the CM/ECF system. I certify that the following parties or their counsel of record are registered as ECF Filers and that they will be served by the CM/ECF system regarding the case of DEBORAH MOLLER, et al. v. COUNTY OF SAN BERNARDINO, et al., Court Case No. 5:22-cv-01306-DSF-MAR; Consolidated with: 5:22-CV-02135-DSF-MAR, Our Matter No. 00690.43298 MDR.

14 SEE ATTACHED MAILING LIST

I declare under penalty of perjury under the law of the United States of America that I am employed by a member of the Bar of this Court and that the forgoing is true and correct.

17 Executed on November 15, 2024, at Santa Ana, California.
18

19 / s / Elizabeth Tapia
20 ELIZABETH TAPIA

SERVICE LIST

DEBORAH MOLLER, et al. v. COUNTY OF SAN BERNARDINO, et al.

Our File No.: 00690.43298 MDR

Case No.: 5:22-cv-01306-DSF-MAR; Consolidated with: 5:22-CV-02135-DSF-MAR

Kevin S. Conlogue, Esq.

Ashley M. Conlogue, Esq.

Law Offices of Kevin S. Conlogue

8383 Wilshire Boulevard, Suite 822

3939 Wilshire Boulevard
Beverly Hills, CA 90211

Beverly Hills, CA 90210
Phone: (213) 255-8837

Phone: (213) 255-38
Fax: (213) 477-2069

Fax: (215) 477-2009
Email: Kevin@LOKSC.com; Ashley@LOKSC.com

E-mail: Kevin@EOKSC.com, Ashley@EOKSC.com
Attorney for Plaintiff DEBORAH MOLLER

Shannon Gustafson, Esq.

Shannen Gustafson, Esq.
Amy Margolies, Esq.

**Ally Margones, Esq.
LYNBERG & WATKINS**

LINBERG & WATKINS
1100 W. Town & Country Road, Suite 1450

1100 W. Towne & C
Orange CA 92868

Orange, CA 92808
Phone: (714) 937-1010

Phone: (714) 937-1010
Fax: (714) 937-1003

Fax: (714) 937-1003
Email: Sgustafson@

Email: Sgustafson@lynberg.com; amargolles@lynberg.com;
Attorneys for Defendant San Bernardino County (named as

Attorneys for Defendant, San Bernardino County (named as County of San Bernardino).

Bernardino)